



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMC
Docket No: 04372-98
3 February 2000

MR [REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 5 October 1999, a copy of which is attached, and your letter dated 6 November 1999.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board was unable to find you admitted to the offenses for which you received nonjudicial punishments only to get out of the service. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-832C
5 Oct 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR).

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: EX-~~XXXXXXXXXX~~, USN, ~~XXXXXXXXXX~~

Encl: (1) BCNR File 04372-98
(2) Petitioner's Microfiche Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request to have the felony against him expunged.

2. The review reflects that the petitioner attended three non-judicial punishments for a laundry list of serious military offenses, including drug abuse and assault. He was processed for misconduct, waived an administrative board, and was awarded an Other than Honorable discharge. The petitioner states that he was never caught committing a crime. However, his disciplinary record stands on its own merits. No legal basis exists to expunge offenses after eight years or any other amount of time. Therefore, favorable action on this petition is not recommended.

~~XXXXXXXXXX~~
Technical Advisor to the
Head, Enlisted Performance
Branch (PERS-832)

(2) 72